

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6484**

**BILL NUMBER:** SB 142

**NOTE PREPARED:** Mar 1, 2005

**BILL AMENDED:** Feb 28, 2005

**SUBJECT:** Carbon Monoxide Detection Devices.

**FIRST AUTHOR:** Sen. Simpson

**FIRST SPONSOR:** Rep. Klinker

**BILL STATUS:** As Passed Senate

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill requires the installation and maintenance of a carbon monoxide detection device (device) in certain dwellings after December 31, 2005. It also makes it a Class D infraction to: (1) fail to install, repair, or replace a device; or (2) remove or tamper with a device or its battery. The bill also provides that a person other than a manufacturer who installs a device is immune from civil liability for claims that the device is defective.

**Effective Date:** Upon passage; July 1, 2005.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** This bill makes it a Class D infraction to: (1) fail to install, repair, or replace a carbon monoxide detection device or (2) remove or tamper with a device or its battery. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class D infraction is \$25, which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive

27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Valerie Ruda, 317-232-9867.